

# COMMUNICATIONS ADVISORY COUNSEL LLC

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February 1, 2008

*Via electronic filing*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20054

Re: *Ex Parte Presentation*  
Choice Wireless, LC  
WT Docket Nos. 07-250 and 01-309

Dear Madam Secretary:

On January 31, 2008, Sylvia Lesse and Kenneth Hardman, on behalf of their client, Choice Wireless, LC ("Choice"), met with Division Chief John Branscome, Aaron Goldschmidt, Jeffrey Steinberg and Joseph Levin, all of the Spectrum and Competition Policy Division, Wireless Telecommunications Bureau. The purpose of the meeting was to discuss the impact of the Commission's hearing-aid compatibility requirements on small GSM-based carriers such as Choice.

Choice, a small Tier III carrier, does not have a direct relationship with equipment vendors. It is able to procure handsets only through third-party vendors, and, accordingly, finds the selection of handsets that are not "locked" to a major carrier and/or branded with a major carrier's logo to be severely limited. Consequently, Choice typically is unable to access newer phone models in a timely fashion, experiencing the detrimental effects of the inherent lag between a phone's market debut and its "trickle down" availability to smaller carriers. As newer technology or applications are introduced to the marketplace, as in the case of complying with new regulatory requirements, the timing differential plays a critical factor in the ability of carriers such as Choice to meet these obligations.

The situation is exacerbated for Choice, who serves a niche market heavily represented by pay-as-you-go customers. This customer base typically seeks less expensive handsets, and patronizes Choice, in part, because of its relatively large selection of such handsets. Because of its existing broad handset inventory, Choice anticipates some difficulty in locating and procuring sufficient numbers of M3 (acoustic coupling) compliant phone models to meet the upcoming 50% compliance standard. Even if such phone can be located, their cost may be prohibitive for a

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majority of Choice customers. The alternative method, that of decreasing the number of total handsets available, would have a negative impact on Choice's competitive position, and also disadvantage a segment of the population with limited access to wireless services generally because of their limited resources.

Please refer any questions or correspondence regarding this matter to the undersigned.

Respectfully submitted,

  
Sylvia Lesse

cc (via electronic mail):      John Branscome  
   Aaron Goldschmidt  
   Jeffrey Steinberg  
   Joseph Levin